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REMARKS

The applicants have reviewed the official action dated January 17, 2008, and the references cited therein. Claims 11-14 and 16-19 were rejected as unpatentable over Zigmond et al. (US 6,698,020) in view of Knee et al. (US 2002/0095676) and Maissel et al. (WO 99/10984).

As an initial matter, for at least the reasons set forth in a previous response filed on January 24, 2007, the applicants maintain their traversal of the restriction requirement set forth in the official action of December 26, 2006. Accordingly, the applicants reserve their rights to petition the restriction requirement in this application.

Claim 11 recites "repeating the display of an advertisement from the set of advertisements at a frequency based on the similarity score of the advertisement." In rejecting claims 11, the examiner relies on a combination of Zigmond et al. and Knee et al. Specifically, the examiner asserts that Zigmond et al. describe repeatedly displaying advertisements and that Knee et al. describes displaying advertisements based on similarity scores.

However, Zigmond et al. do not describe displaying an advertisement at a frequency. Rather, Zigmond et al. describe limiting the number of times an advertisement can be displayed over a time period. While this may ensure that a certain frequency of display is not exceeded, in no way does such a method include displaying advertisements at a certain frequency. In other words, Zigmond et al. only describe a limitation on a frequency of display. Merely stating that advertisements can be repeatedly displayed does not constitute a description of displaying advertisements at a frequency.

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Further, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. M.P.E.P 2141.02, citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540. In the official action, the examiner states that combining the closeness approach of *Knee et al.* with the general assertion that advertisements can be repeatedly displayed in *Zigmond et al.* meets the claim limitation of displaying an advertisement at a frequency based on a similarity score.

However, when read in its entirety, *Zigmond et al.* teach away from a system in which advertisements are displayed at a frequency based on a similarity score. In particular, in the present application, a high similarity score for an advertisement may result in a high frequency of display. However, according to *Zigmond et al.*, that approach is undesirable because a viewer may become "frustrated through being excessively exposed to the selected advertisement." See, col. 13, lines 40-47, as cited in the official action. In other words, any motivation to combine the cited art is opposed by the contrasting teaching of *Zigmond et al.* that advertisements should not be displayed beyond a certain frequency.

Accordingly, no combination of the cited art can support an obviousness rejection under 103(a). If there are any remaining issues in this application, the examiner is invited to contact the undersigned attorney at the number listed below.

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The Commissioner is hereby authorized to refund any overpayment and charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-0383.

Respectfully submitted,



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